



Dec 16 2008  
5:55PM

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December 16, 2008

By Hand

Hon. Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, New York 10007

Re: *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*,  
MDL No. 1358, Master File No. 1:00-1898 (SAS)  
This document relates to:  
*City of New York v. Amerada Hess, et al.*, 04 CV 3417 (SDNY)  
Proposed Case Management Order Establishing Pre-Trial Schedule

Dear Judge Scheindlin:

At the conference on December 11, the parties informed the Court that they had reached agreement on a proposed pre-trial schedule in the City of New York's case. I enclose a proposed Case Management Order reflecting that agreed-upon schedule. The parties are available at the Court's convenience if the Court would like to discuss the schedule.

Respectfully yours,

**Susan E.  
Amron**

Digitally signed by Susan E. Amron  
DN: cn=Susan E. Amron, c=US,  
o=New York City Law Department,  
ou=Environmental Law Division,  
email=samron@law.nyc.gov  
Date: 2008.12.16 17:20:40 -05'00'

Susan E. Amron  
Deputy Chief  
Environmental Law Division

c: Seth Ard (via email)  
All Counsel (via LNFS)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: Methyl Tertiary Butyl Ether (“MTBE”)  
Products Liability Litigation

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

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**This document relates to:**

City of New York v. Amerada Hess Corp.,  
et al., 04 Civ 3417

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**SHIRA A. SCHEINDLIN, U.S.D.J.**

**CASE MANAGEMENT ORDER NO. [ ]**

By agreement of the parties, the Court enters the following deadlines relating to the City of New York trial scheduled to begin on June 22, 2009:

**Event**

**Deadline**

Plaintiff identifies expert topics and groupings for timing of disclosures (Group 1 or Group 2). The majority of topics will be in Group 1.	November 7, 2008
Defendants identify expert topics	November 21, 2008
Defendants choose five wells for bellwether trial	November 26, 2008
Deadline for completing all fact discovery that was timely served such it could have been completed by December 19, 2008, <b>except</b> a party may seek limited fact discovery after this deadline on issues of fact that arise for the first time in reports submitted by an adverse parties’ expert or at the expert’s deposition.	January 19, 2009
Motions for Summary Judgment not requiring expert evidence	January 19, 2009

Plaintiff's deposition designations for fact witnesses due	February 27, 2009
Defendants' objections to Plaintiff's designations and Defendants' counter-designations for depositions of fact witnesses due	March 27, 2009
Plaintiff's objections to Defendants' designations and Plaintiff's counter-designations for depositions of fact witnesses due	April 24, 2009
Plaintiff serves reports by experts in Group 1	December 19, 2008
Defendants serve reports by experts on similar topics as Plaintiff's Group 1 experts	January 23, 2009
Plaintiff serves rebuttal reports by experts in Group 1	February 6, 2009
Plaintiff serves reports by experts in Group 2; Defendants serve "market share" expert report(s)	February 6, 2009
Defendants serve reports by experts on similar topics as Plaintiff's Group 2 experts; Plaintiff serves response report(s) on "market share" issue	March 9, 2009
Plaintiff serves rebuttal reports by experts in Group 2; Defendants serve rebuttal report(s) on "market share" issue	March 23, 2009
Deadline for completing all expert discovery <sup>1</sup>	April 13, 2009
All remaining dispositive motions to be filed	April 20, 2009
Response briefs on remaining dispositive motions	May 4, 2009
Reply briefs on remaining dispositive motions	May 11, 2009
Plaintiff's witness <sup>2</sup> and exhibit lists due	April 13, 2009

<sup>1</sup> Daubert motions to be filed within 10 business days of the completion of the expert's deposition; responses to be filed in 10 business days and replies to be filed in 5 business days.

<sup>2</sup> Plaintiff shall produce for deposition before trial any of the following persons previously noticed for deposition by Defendants, if such person(s) appear on Plaintiff's trial witness list and were not already deposed as percipient

Defendants' witness and exhibit lists due	April 27, 2009
Motions <i>in Limine</i> to be filed	May 11, 2009
Response briefs on Motions <i>in Limine</i>	May 25, 2009
Reply briefs on Motions <i>in Limine</i>	June 1, 2009
Parties exchange draft Pre-Trial Orders	May 8, 2009
Parties file Joint Proposed Pre-Trial Order	June 1, 2009
Parties file jury questionnaires	June 12, 2009

SO ORDERED:

Dated: New York, New York  
December \_\_\_, 2008

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Shira A. Scheindlin  
U.S.D.J.

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or 30(b)(6) witnesses: Gary Kroll; William Cesanek; William Davis; Tracy Liberi; Mark Maimone; William Becker; Susan Melamud; Richard Peters; Harry Singh; Venetia Barnes; Florence Mak; William Meakin; Andrew Kuchynsky; Nicole Brown Williams; Maryanne Dioquino; Mark Lenz; Nabeel Mishalani; or any representative of the City of New York's Office of Management and Budget, Fire Department, or Department of Health and Mental Hygiene, who shall be made available only in a percipient capacity.